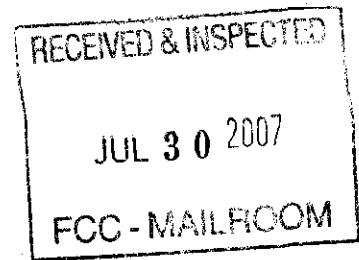


Mr. Thomas K. Fitzgerald
1101 Willow Lawn Drive
Richmond, Virginia 23226-1530
(804)477-7703

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Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, D.C. 20554

Re: Docket Number 07-57
XM Satellite Radio and Sirius Satellite Radio Merger

Federal Communications Commission:

I would like to express my opinion on the current issue of the XM Satellite Radio (XM) and Sirius Satellite Radio (Sirius) merger.

First, I feel I should provide a little background on a personal level. I have been a subscriber to XM for several years. I also write a country music related website and follow radio issues closely. Also, I have spent quite a large amount of time reading about this proposed merger.

After learning as much as possible, I found the need to express my opposition to the merger. The lack of competition is the most prominent issue that is of my concern. Lack of competition not only in the price of subscribing to the service, but also in technology advancement of equipment, and programming.

The thought process of the executives of the two companies is that they compete against other types of entertainment sources (satellite television, portable music devices, and Internet radio as examples.) I do not believe this. In fact, I own a XM receiver that has the capability to play MP3 files, like any portable music device does. If they were competing against portable music devices, I would not have this function available.

I believe satellite radio is in competition with these other types of platforms of entertainment, however very minimally. They only compete against other platforms of entertainment in the sense of competing for the money that consumers have to spend on non-essentials. In my opinion they are just as much in competition with movie theaters, sporting events, concert venues, as they are with portable music devices.

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If the two companies were not in competition with each other, there wouldn't be any exclusive content deals like Major League Baseball on XM or the National Football League on Sirius. Another example of this would be in XM having "The Opie & Anthony Show" and Sirius having Howard Stern. There are several other examples of this in their programming. Also, if they were not in competition with each other, neither company would have comparison charts on their websites to show which service is a better choice in their opinion for prospective customers.

I believe if the two companies were allowed to merge, there would not be any motivation for either company to make advancements in technology. The rate of new uses for satellite radio, advancements in devices and programming would slow significantly. Satellite is still a new form of technology that much more discovering to be found. With this merger, I believe this slower pace would be doing a disservice to the public interest. This should be a great concern to your commission to consider in making your decision.

I have seen in XM and Sirius provided information that they say there will be no need to replace equipment. That may be so, but from my readings, in order for users to be able to access both companies' content, a new unit would have to be released. I believe that this is the reason for only selected channels are going to be available in the post-merger rate plans.

I believe that if these two companies were allowed to merge, the current and future customers would have to deal with a type of monopoly. Now, one company can drop the price of subscription and the other will have to decide to compete. If the merger goes through, this would not be an option. There would be only the one company to make that decision. It would come down to whether the consumer feels that the price of satellite radio is in their best interest, rather than now if XM or Sirius is in their best interest. The identical prices can be seen in the most recent announcement of the post-merger rates and programming.

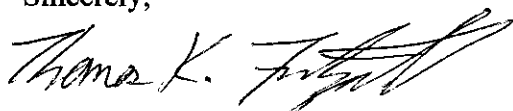
Another aspect of the merger that I believe supports the need to deny the merger is when your commission initially auctioned the band for Digital Audio Radio Service by satellite. In the establishment of rules that were published in March of 1997, as you well know there is a section that talks about mergers. The commission at that time seemed to be concerned enough about this possibility to include language in the rules to prohibit this, unless in the public interest is served. I do not believe that this level has been reached in this issue. As I have said before, I believe that this merger would be a disservice to the public interest due to the lack of overall competition.

In the same document, I also notice discussion that the initial thought of satellite radio would complement terrestrial radio. My opinion is that this is the case. I still at times listen to AM/FM radio for various reasons. This thought process supports my opinion that satellite radio does not compete with terrestrial radio or any other source of entertainment, rather competes with each other (XM and Sirius.)

I hope that you find my comments and opinions in this matter helpful in assisting you make your decision on the XM and Sirius merger. I ask, if you are opposed to the merger, to continue to express your concerns with the individuals that are involved in the decision making process.

I thank you for your time in reading my opposition to the Merger of XM and Sirius and have faith in that the commission will make the proper decision in the best public interest.

Sincerely,

A handwritten signature in cursive script, reading "Thomas K. Fitzgerald". The signature is fluid and stylized, with the first name "Thomas" and last name "Fitzgerald" clearly legible.

Thomas K. Fitzgerald